

## Newstead Town Board Meeting- October 23, 2017

A public hearing was called to order by the Newstead Town Board on Tuesday, October 23, 2017 at 7:20pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
John Jendrowski- Councilman  
Edmund Burke- Councilman  
Mike Bassanello- Highway Supt  
Nathan Neill- Town Attorney  
Brendan Neill- Assistant Town Attorney  
Scott Rybarczyk- Wendel/Town Engineer  
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present except Councilwoman Morlacci who is out of town for a death in the family and Councilman Dugan who is sick.

The Supervisor called the **public hearing** to order on the proposed 8,000sq ft manufacturing/warehouse addition located at 11342 & 11358 Main Rd operated by **Athenex Pharma** at 7:20pm.

The Clerk read the proof of publication. The Supervisor stated this project has been recommended for approval by the Planning Board and we have received no comments from Erie County Planning Dept. on the project.

Comments: Jason Utzig of C&S Engineers gave a brief presentation of the project which has been scaled back from a previous proposal earlier this year and explained the landscaping plan has been slightly modified. Town Attorney Neill questioned the modifications to tree plantings and Code Enforcement officer Mike Borth stated he wants the 19 trees originally called for in the plan to be kept in the plan but staggered and spread amongst the existing trees to create a better cover for neighboring parcels. Peter Casilio, owner of the property, stated he has no issue with meeting with the CEO at the appropriate time to place the trees.

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Jenrowski to close the public hearing at 7:32pm. Carried

The Supervisor called the **public hearing** to order on the proposed 4,608 sq ft custom manufacturing facility located at 13890 Main Rd owned by **Preferred Plastics & Engraving/** David Samolis at 7:32pm.

The Clerk read the proof of publication. The Supervisor stated this project has been recommended for approval by the Planning Board and we have received no comments from Erie County Planning Dept. on the project. A 20' side setback variance has already been granted by the Zoning Board and Wendel made recommendations on their review regarding driveway/access considerations to meet.

Comments: Don Kreher of 13212 Main Rd stated as Main Rd develops with all of these new projects he feels we need to address more traffic control issues and have oversight for driveway access and parking needs along Main Rd.

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilman Burke to close the public hearing at 7:37pm. Carried

The Supervisor called the **public hearing** to order on the proposed 7,200 sq ft indoor riding arena located at 13123 Main Rd known as "**Twin Arrow Stables**" owned by Jack Willert & Kelly Schultz at 7:37pm.

The Clerk read the proof of publication. The Supervisor stated this project has been recommended for approval by the Planning Board and we have received no comments from Erie County Planning Dept. on the project.

Comments: no one spoke

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Jendrowski to close the public hearing at 7:38pm. Carried

The Supervisor called the **public hearing** to order on the proposed 8,000 sq ft office addition located at 5411 Davison Rd owned by **Kreher's Farm Fresh Eggs LLC** at 7:38pm.

The Clerk read the proof of publication. The Supervisor stated this project has been recommended for approval by the Planning Board and we have received comments from Erie County Planning Dept. on the project with no recommendations made. Wendel has reviewed the project and a site visit was made by the Code Enforcement Officer to review the drainage plan. The Supervisor asked all those present, CEO Borth, Planning Chairman Cowan and representatives from Krehers, if everyone is in agreement still with the decision on the drainage plan. Everyone stated yes.

Comments: no one spoke. Kreher stated they are very happy to be expanding right here in Newstead.

There being no further comments, a motion was made by Councilman Jendrowski, seconded by Councilman Burke to close the public hearing at 7:43pm. Carried

The Supervisor called the **public hearing** to order on the proposed **2018 Budget** at 7:45pm.

The Clerk read the proof of publication. The Supervisor discussed features of the budget and read his budget message to those present. Grant opportunities have helped the town accomplish many projects but with the 2% tax cap program the state has not fulfilled their end of the program requirements with reform to state mandated programs and expenses to towns.

Comments: David Samolis of 7685 Cedar St asked when the town renegotiated the refuse contract are we changing companies? The Supervisor responded no, we renegotiated a 5 year extension with Modern again but at a reduced cost. Town Attorney Neill stated some of the savings were due to the payoff of the initial cost of the blue recycling totes in the first 5 years.

Tina Ball of 11365 Main Rd questioned what are the top 3 expenditures for the town and the top needs for the future. Supervisor Cummings stated for expenditures, personnel expenses and medical expenses are #1. The others would be the fire company contracts, which have a 5% annual increase in them, and debt service on the Joint Facility, Library and water districts. As for what would the town like to do in the future, it would be building a Community Center for residents of all ages to use and making the necessary infrastructure improvements and the upgrading of equipment to do those projects.

Tina also questioned what happens in emergency situations with a tight budget? The Supervisor explained that the town would have to either use fund balance or possibly do a short term borrowing depending on the severity of the situation.

The Supervisor stated he is very passionate about the budget and has continued the long standing conservative tradition of past Supervisors when putting his budgets together.

There being no further comments, a motion was made by Councilman Burke, seconded by Councilman Jendrowski to close the public hearing at 8:00pm. Carried

The Supervisor called the **regular meeting** of the Newstead Town Board to order at 8:01pm with the same members present as listed above.

Town Attorney Nathan Neill led the pledge to the flag.

Minutes from the regular meeting held on October 10, 2017 were presented for approval. A motion was made by Councilman Jendrowski, seconded by Councilman Burke to approve as presented. Carried

Minutes from the Joint meeting held on October 16, 2017 were presented for approval. A motion was made by Councilman Burke, seconded by Councilman Jendrowski to approve as presented. Carried

**Agenda Changes** – none

**Communications** – The Town Clerk presented the following correspondence:

A notice was received of a Community Resource Fair Wednesday, November 1<sup>st</sup> from 4:00-7:00pm at the Newstead Public Library that is hosted by the Building Unity through Community group.

A notice of the 2017 annual meeting of the Cornell Cooperative Extension was received. The meeting will be Tues., November 14<sup>th</sup> at 7:00pm at the Erie County Farm & Home Building at 21 South Grove St in East Aurora.

A motion was made by Councilman Jendrowski, seconded by Councilman Burke to accept and file the presented correspondence. Carried

**Work Session:** The Supervisor reported that at the last work session the following items were discussed: buildings projects-library, water & sewer projects, planning items, grants updates, cleaning services, Tanya's Trot use of park, 2018 budget, Clarence Center Rd property, and a joint meeting with the village board where sewer service, master plan, cold war exemption renewal, fire companies and CEO position were discussed.

**Agenda Items Question Period:** no one spoke

**Budget transfers:** a motion was made by Councilman Jendrowski, seconded by Councilman Burke to approve the budget transfers as presented in a memo from Bookkeeper Colleen Salmon dated 10/23/17. Carried

**Approval of Bills** – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1762 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1764 for payment. Vouchers on this abstract(s) numbered from 1127-1183, totaling \$192,927.41. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #1764:

General Fund (A) -\$19,480.65, General Fund- Outside Village (B) \$143.51, Highway (DA) -\$0, Highway: Outside Village (DB) \$164,966.80, CAP- Water-Scotland- (HS) \$850.58, CAP-Sewer Dist. 3(HNL) \$0, CAP- Trail Grant (HTG)- \$0, CAP- Water Improvement (HW)- \$3,893.00, CAP Water-Downey (HW01)- \$1,803.55, CAP- Water- Cedar (HW02)- \$1,369.57, Drainage (SD)- \$124.12, Fire Protection (SF) \$0, Refuse (SR) \$35.76, Sewer #1 Fund (SS) \$93.02, Sewer District #2 (SS02)- \$81.05, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$85.80, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0; Total: \$192,927.41 Carried

### **COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Mike reported the crews helped the Village of Akron with their water main break on Buell St, their paving for 3 days on Brooklyn, Chestnut, Exchange and Main St and assisted with their yard waste pickup. They repaired a lawn on Kirby Rd due to the waterline project, repaired the fuel tank on the cab tractor, mowed the bike path and parks and did road ditching and piping installations on Utley Rd.

**Assessor** – no report presented.

**Building Office** –the following building report was presented by Christine Falkowski of the Planning & Building Department:

Gerald Wangler	6315 Utley	Ditch fill
Jeff Burton	7367 Maple	Generator
Molly Schrock	7389 Sandhill	Roof mounted solar
Patrick Oliver	13324 Stage	Permit renewal
Francis Schumacher	6920 Cedar	Certificate of Compliance
Dale Fryling	13235 Main	Roof
Frank Swiezy III	11248 Crego	Ditch fill
Paul Jurek	11976 Buckwheat	Generator

Ryan Roetzer	13421 Steiner	Generator
Matthew Ziemendorf	12800 Carney	Deck

The Town Board accepted the report as presented.

**Town Clerk-** Dawn presented the 3<sup>rd</sup> Quarter Dog Control Officer report. She also reported the bulk of school tax collection is done and went smoothly and all monies have been transferred to the respective schools.

**Attorney for the Town** – nothing at this time

**COUNCILPERSONS:**

**Jendrowski-** he attended the Library Board meeting and reported they will be offering Social Services opportunities for the public, he met with the Supervisor and Akron Baseball reps on the building for Skyline Park and met with Mike and the crew to mark the location of the building so that work on the slab can start next week depending on the weather. He attended the Historical Society fall harvest dinner and renewed his 3 year seat on their board. He went to the Senior Center to look at the locks in the bathrooms. He met with Lions Club reps on the park building and he and Dr. Burke met with Adam Stoltman on Dye Rd to discuss some drainage issues in the area.

**Dugan** – not present

**Burke** – he met with Adam Stoltman on Dye Rd to discuss some drainage issues in the area and spoke with another resident on drainage issues. He attended the Joint Town/Village meeting.

**Morlacci-** not present

**Supervisor-** The September Supervisor’s Report is on file with the Town Clerk. He met with the CEO on the many building issues going on in the town, met with the Town Attorney on the fire contracts and the Senior Center contract and noted the joint meeting minutes approved were from October 16<sup>th</sup> not October 11<sup>th</sup>.

**UNFINISHED BUSINESS:**

**Buildings-** the library wall has been power washed, caulked and repainted.

**Planning-** the Master Plan update is ongoing, 4 planning items will be addressed under new business and this afternoon he called the NYSDOT for an update on the status of the traffic light at Main and Barnum/N Millgrove. He was told they are behind schedule on the project because the original company that won the bid award could not fulfill the contract so they had to re-bid the project. Now the light will not be installed until spring instead of this fall.

**Water/Sewer-** Cedar St N- residents are getting their meters installed and then the project will be complete. Lewis Rd Sewer- Niagara Labels contractors have started work and progress has been made up Lewis Rd and under Murder Creek. They now have to address crossing over Lewis Rd to get to Niagara Label.

**Grants-** several ongoing, nothing new.

**NEW BUSINESS:**

**Site Plan Approval- 11342 & 11358 Main Rd- Athenex:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the site plan date stamped September 21, 2017 to construct an 8,000 sq ft manufacturing and warehouse addition located at 11342 & 11358 Main Rd owned by Group V Real Estate for Athenex Pharma Solutions, subject to the terms set forth in the resolution.

(Resolution Attached) Cummings-Aye, Dugan -Absent, Burke-Aye, Jendrowski- Aye, Morlacci- Absent  
Carried

**Site Plan Approval- 13890 Main Rd- Preferred Plastics & Engraving:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the site plan dated September 21, 2017 to construct a 4,608 sq ft custom manufacturing facility located at 13890 Main Rd owned by Preferred Plastics & Engraving and operated by David Samolis, subject to the terms set forth in the resolution.

(Resolution Attached) Cummings-Aye, Dugan -Absent, Burke-Aye, Jendrowski- Aye, Morlacci- Absent Carried

**Site Plan Approval- 13123 Main Rd- Twin Arrow Stables:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the site plan dated September 21, 2017 to construct a 7,200 sq ft indoor riding arena located at 13123 Main Rd known as Twin Arrow Stables and owned by Jack Willert & Kelly Schultz, subject to the terms set forth in the resolution.

(Resolution Attached) Cummings-Aye, Dugan -Absent, Burke-Aye, Jendrowski- Aye, Morlacci- Absent Carried

**Site Plan Approval- 5411 Davison Rd- Kreher’s Farm Fresh Eggs:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the site plan dated August 10, 2017 to construct an 8,000 sq ft office addition located at 5411 Davison Rd owned by Kreher’s Farm Fresh Eggs, subject to the terms set forth in the resolution

(Resolution Attached) Cummings-Aye, Dugan -Absent, Burke-Aye, Jendrowski- Aye, Morlacci- Absent Carried

**Approval- Creation of Job Title:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski authorizing the position of Clerk to the Town Justice (FT) exempt with the description of duties as outlined in form PO-17 provided by the County of Erie and appointing Sandra Pietrowski to the position of Clerk to the Town Justice, full time, exempt and authorizing the Supervisor to complete and execute the forms establishing this position and return them to Erie County.

(Resolution Attached) Cummings-Aye, Dugan -Absent, Burke-Aye, Jendrowski- Aye, Morlacci- Absent Carried

**Approval- Creation of Job Title:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski authorizing the position of Deputy Town Attorney Exempt with the description of duties as outlined in form PO-17 provided by the County of Erie and appointing Brendan M. Neill to the position of Deputy Town Attorney, exempt and authorizing the Supervisor to complete and execute the forms establishing this position and return them to Erie County.

(Resolution Attached) Cummings-Aye, Dugan -Absent, Burke-Aye, Jendrowski- Aye, Morlacci- Absent Carried

**Award of Bid- Demolition of 11895 Buckwheat Rd:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the award of the bid for the demolition of 11895 Buckwheat Rd to low bidder Regional Environmental Demolition, Inc. at a cost of \$21,800.00 and authorizing the Supervisor to execute the agreement with Regional Environmental Demolition in form previously provided to all bidders.

(Resolution Attached) Cummings-Aye, Dugan -Absent, Burke-Aye, Jendrowski- Aye, Morlacci- Absent Carried

**Approval- Use of Town Park by Tanya’s Trot:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski authorizing the Tanya’s Trot event to use the Veteran’s Park facilities for its September 23, 2018 event.

Cummings-Aye, Dugan -Absent, Burke-Aye, Jendrowski- Aye, Morlacci- Absent Carried

**Approval- Fall-Winter Recreation Staff:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the proposed list of Recreation staff members for the Fall-Winter session as provided by Director Dan Roland and the Recreation Board at their October 12<sup>th</sup> meeting.

Cummings-Aye, Dugan -Absent, Burke-Aye, Jendrowski- Aye, Morlacci- Absent Carried

**The Supervisor announced there will be no work session on October 30<sup>th</sup>.**

**Privilege of the Floor/Question Period:** Don Kreher of 13212 Main Rd questioned is the well for stormwater or sanitary on the Athenex project? Town Engineer Rybarczyk responded for stormwater.

There being no further business to come before the board for the regular meeting a motion was made by Councilman Burke, seconded by Councilman Jendrowski to adjourn the regular meeting at 8:30pm. Carried

Respectfully Submitted,  
Dawn D. Izydorczak, RMC, Town Clerk